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EXTRAORDINARY

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 3rd April, 1969:—

BILL No. 25 OF 1969

A Bill to provide for setting up a corporation for development of ancillary cottage industries.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. This Act may be called the Modern Cottage Industries Development Corporation Act, 1969. Short Title.

2. The Central Government shall set up for the purposes of this Act a corporation known as the Modern Cottage Industries Development Corporation (hereinafter referred to as the Corporation) with the co-operation of State Governments. Setting up of the Modern Cottage Industries Development Corporation.

Capital of Corporation.

3. (*1*) The original capital of the Corporation shall be such sum not exceeding fifty lakhs of rupees as the Central Government may fix.

(*2*) The Central Government may from time to time increase the capital of the Corporation to such extent and in such manner as that Government may determine.

(*3*) **Such capital may be provided by the Central Government from time to time after due appropriation made by Parliament by law for the purpose and subject to such terms and conditions as may be determined by that Government.**

Management of the Corporation and the constitution of the Board of Directors.

4. The general superintendence, direction and management of the affairs and business of the Corporation shall vest in a board of directors which shall consist of the following, namely:—

(*a*) a Chairman, to be nominated by the Central Government;

(*b*) one representative each of the States, elected by the Legislative Assembly of that State;

(*c*) such representatives of the Central Government, equal in number to that of the State representatives, as are specialists in different industries; and

(*d*) one representative each of the Ministries of the Central Government dealing with—

(*i*) industry, and

(*ii*) labour.

Functions of the Corporation.

5. The functions of the Corporation shall be as follows:—

(*a*) to prepare a list of such industries the spare parts for which can be manufactured in the houses of workers on small scale and to prepare prototypes of spares for these industries;

(*b*) to impart training in the manufacture of various types of spares;

(*c*) to open centres for supplying raw material for spares, drawings and formats of spares and for receiving manufactured spares;

(*d*) to open centres for the manufacture of goods by assembling spares; and

(*e*) to arrange for the sale of goods so manufactured.

Declaration as to reservation and nationalisation of industries.

6. The Central Government may, at any time, if it considers it proper, declare any industry, which it thinks can be run by the Corporation successfully, as reserved for the Corporation and may nationalise that industry.

Fund of the Corporation.

7. (1) The Corporation shall have its own fund and all receipts of the Corporation shall be credited thereto and all payments of the Corporation shall be met therefrom.

(2) Such fund shall be applied for meeting all administrative expenses of the Corporation and for carrying out the purposes of this Act.

Power to make rules.

8. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) Every rule made by the Central Government under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effe t, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

There are crores of persons in the country who can utilise their spare time at home by running economical industries and can earn extra income. The old cottage industries are almost extinct and self-sufficiency cannot be attained through them. In this age of industrialisation, there are hundreds of industries for which spare parts can be manufactured at home by using electricity. As in Japan, the manufacturers of such spares, apart from earning their livelihood, will be able to manufacture cheap exportable goods worth crores of rupees and huge amount of foreign exchange will be earned.

Extensive industrialisation will be possible without raising huge amount of capital. The industry will not fail even in times of economic recession. Unemployment will be removed, monopoly will end and democracy will be strengthened by decentralisation.

Hence this Bill.

NEW DELHI;
The 16th February, 1969.

MAHARAJ SINGH BHARTI.

FINANCIAL MEMORANDUM

The original capital of the Modern Cottage Industries Development Corporation shall not exceed fifty lakhs of rupees. The capital will be fixed by the Central Government and provided by it from time to time after due appropriation made by Parliament by law for the purpose and subject to such terms and conditions as may be determined by the Central Government. Provision has been made for increasing the capital of the Corporation by the Central Government from time to time. Clause 3 of the Bill).

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules to carry out the purposes of this Act. These rules will relate mainly to matters of a routine or administrative nature. Moreover, the rules shall be subject to the scrutiny of Parliament. The delegation of legislative power is thus of a normal character.

BILL No. 30 OF 1969

A Bill further to amend the Indian Telegraph Act, 1885.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Indian Telegraph (Amendment) Act, 1969.

13 of 1885.

Substitution of section 5.

2. For section 5 of the Indian Telegraph Act, 1885, the following section shall be substituted, namely:—

Power for Government to take possession of licensed telegraph etc.

"5. (*1*) On the issue of a Proclamation of Emergency by the President under article 352 of the Constitution of India and during the period in which such a Proclamation is in force, the Central Government or a State Government, or any officer specially authorised in this behalf by the Central or a State Government, may, in the interest of public safety,—

(*a*) take temporary possession of any telegraph established, maintained or worked by any person licensed under this Act;

(*b*) order that any message or class of messages to or from any person or class of persons, or relating to any particular subject, brought for transmission by or transmitted or received

any telegraph, shall not be transmitted, or shall be intercepted or detained, or shall be disclosed to the Government making the order or an officer thereof mentioned in the order.

(2) If any doubt arises as to whether any act done under sub-section (*1*) was in the interest of the public safety, a certificate of the Central or, as the case may be, the State Government shall be conclusive proof on the point.".

STATEMENT OF OBJECTS AND REASONS

The Indian Telegraph Act, 1885 is an anachronistic statute containing some undemocratic features such as the discretionary powers given to the Government to intercept and withold telegrams containing allegedly objectionable matter.

This arbitrary power was given by the British Government to the Telegraph authorities to deny to the rising nationalist movement facilities for easy communication.

This antiquated provision should have been removed from this statute long ago. But instead of doing that the Central Government and the Telegraph Department have used these arbitrary powers to suppress telegrams sent to Members of Parliament during popular movements such as the teachers' strike in Uttar Pradesh and the recent agitation in Orissa.

The words 'public emergency' used in this Act do not have the same connotation as 'Emergency' under article 352 of the Constitution.

It is arguable whether this provision is legally consistent with the freedoms granted to the people under Part III of our Constitution. But even assuming that technically it is *intra vires* of the Constitution, it cannot be denied that it militates against the spirit of democracy and freedom of speech and communication.

If the telegrams transmitted in normal times offend against some existing law, the sender of the telegram should be proceeded against under the ordinary law of the land. To withhold these telegrams or censor them in normal times is unjust.

This Bill is designed to curtail this power and restrict its use only to periods of national emergency.

NEW DELHI; MADHU LIMAYE.

The 26th February, 1969.

BILL No. 26 OF 1969

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1969. Short title.

2. In the Eighth Schedule to the Constitution, after entry 6, the following entries shall be inserted, namely:— Amendment of Eighth Schedule.

(a) "6A. Magahi".

(b) "6B. Maithili".

STATEMENT OF OBJECTS AND REASONS

The Maithili language is a rich language. It is spoken by more than two crores of people. Besides, it is an international language, spoken in Nepal also. The Sahitya Academy has already recognised it as one of the languages of India. Now it is imperative that it should be duly recognised by including it in the Eighth Schedule to the Constitution of India. In the same way, the Magahi language should be given due recognition in the Eighth Schedule.

Hence the Bill

NEW DELHI;
The 27th February, 1969.

SHIVA CHANDRA JHA

BILL No. 29 OF 1969

A Bill to prevent cow slaughter in India

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

Short title and Commencement.

1. (i) This Act may be called the Prevention of Cow Slaughter Act, 1969.

(ii) It shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "cognizable offence" shall have the same meaning as assigned to it in the Code of Criminal Procedure, 1898; 5 of 1898.

(b) "cow" includes he-calves and she-calves, bullocks and bulls;

(c) "slaughter" means killing by any means whatsoever and for any purpose.

Ban on Cow slaughter.

3. No person shall kill or cause to be killed a cow for any purpose or at any place in India.

Penalties.

4. Any person who contravenes the provisions of section 3 shall be punishable with imprisonment of either description for a term which may extend to ten years or with fine which may extend to five thousand rupees or with both.

Offence to be cognizable.

5. An offence under this Act shall be a cognizable offence.

STATEMENT OF OBJECTS AND REASONS

Cow has been held in high esteem in India since times immemorial. It is also worshipped in certain parts of India on account of its qualities. Its milk is beneficial for the children and the sick, the bullocks are used in agriculture. The slaughter of cow not only hurts the religious susceptibilities of millions of Indians but it also deprives them of life-saving milk. In order to preserve the cow it is necessary to enact a legislation for the purpose.

Hence the Bill.

NEW DELHI:
27th February, 1969.

HARDAYAL DEVGUN.

A *Bill* No. 28 OF 1969

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1969. Short title and Commencement.

(*2*) It shall come into force at once.

2. In article 19 of the Constitution,— Amendment of article 19.

(*i*) in clause (1), the following sub-clause shall be inserted at the end, namely:—

"(h) **to vote freely in elections to the House of the People, the appropriate Legislative Assembly of a State or an appropriate representative body established by law in a Union territory and the appropriate local body or bodies.**"

(*ii*) the following clause shall be inserted at the end, namely:—

"(7) **Nothing in sub-clause (h) of clause (1) shall affect the operation of any existing law or prevent the appropriate Legislature from making any law imposing disqualification on the ground that he or she is below the age of eighteen on such date as may be fixed in that behalf by the appropriate legislature, or on the ground of non-residence, unsoundness of mind, crime or corrupt or illegal practice.**"

Substitution of article 326.

3. For article 326 of the Constitution, the following article shall be substituted, namely:—

Elections to the House of the People and to the Legislative Assemblies of States, etc, to be on the basis of adult suffrage.

"326. The elections to the House of the People, Legislative Assembly of every State and the representative body established by law in a Union territory and all local bodies throughout the territory of India, shall be held on the basis of adult suffrage; that is to say, every person who has a right to vote under article 19(1) (h) shall be entitled to be registered as a voter at any such election.".

STATEMENT OF OBJECTS AND REASONS

Not only individual democratic freedoms but the very concept of fundamental rights as inviolable rights reserved by the people for themselves and beyond the reach of the tyranny of temporary legislative majorities is at present under attack.

Voices have also been heard against the principle of universal suffrage and free elections. These voices have openly supported some form of guided democracy and a system of indirect elections based on limited franchise. These people would like to restrict the inherent right of the people to choose their Government to an *elite*, the so-called enlightened minority.

In this anti-democratic and authoritarian climate, it is necessary for all those who believe in revolutionary change not only to work for the preservation and strengthening of people's democratic rights but also to fight for electoral reform, for curbs on the power of money and brute force and for the transformation of the right to vote into a fundamental right. It is necessary to confer this right on all boys and girls who are 18 years of age or above.

In view of the growing consciousness among the youth and with a view to injecting new blood into our worn-out, aging political system, it is necessary to change the concept of adult franchise. Adult franchise, to be truly universal, must now embrace all citizens who are below the age of 21 years but are above 18.

This would help bring about a qualitative change in the outlook of our representatives as also the temper of our politics, making the administrations and the Legislatures more responsive to the problems of youth, namely unemployment, inadequate education, nutrition, sports and the like.

This Bill seeks to make the right to vote for all those who are 18 or above a fundamental right.

NEW DELHI;
The 3rd March, 1969.

MADHU LIMAYE.

FINANCIAL MEMORANDUM

This Bill proposes to make all the young people who are between the ages of 18 and 21, voters for the purposes of elections to Legislatures and local bodies. This would entail additional outlay on the preparation of electoral rolls etc. I guess this will approximately be one million rupees per year.

S. L. SHAKDHER,
Secretary

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